

H. England. Admiralty & THE

MP. 1349. a. 52

PROCEEDINGS

AT THE

SESSIONS

OF

Oyer and Terminer and Goal-Delivery

FOR THE

JURISDICTION

OF THE

Admiralty of *England*,

ON

Thursday the 24th and *Friday* the 25th of
February, 1736-7.

Held at Justice-Hall in the *Old-Bailey*, before the Rt. Worship-
ful Sir HENRY PENRICE, Knt. and others His Majesty's
Justices for the said Jurisdiction.

L O N D O N:

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(4)

THE PROCEEDINGS AT THE

SESSIONS of Oyer and Terminer and Goal-Delivery, for
the Admiralty of *England*, held at Justice-Hall in the *Old-Bailey*,
before the Right Worshipful Sir HENRY PENRICE, Knt. the Hon.
Mr. Baron FORTESCUE, and others his Majesty's Justices of Oyer and
Terminer and Goal-Delivery for the Admiralty aforesaid.

THE Court being sat, Proclamation was
made for Silence, and his Majesty's
Commission for holding the said Sessions
was read; then the Names of the Per-
sons summoned to appear on the Grand Jury be-
ing called over, the following Gentlemen were
sworn.

Samuel Needey, Foreman.

*Edmond Bick,
Theophilus Perkins,
Thomas Warren,
William Dawsey,
William Head,
William Staples,
Thomas Walker,
James Collier,
Robert Burchall,*

*Richard Moye,
John Cotterel,
William Norton,
Robert Bishop,
Richard Chambers,
Thomas Palmer,
Richard Fenton,
Edward Holloway,
Jonathan Casseldine.*

Then the Judge gave an excellent and learned
Charge to the Grand Jury, after which they re-
tired for a little while, and returning into Court,
found a *True Bill* against *Richard Coyle*, *John Ri-*
chardson, *Caleb Larson*, and *John Davison*, for
Felony and Piracy. As likewise,

A *True Bill* against *Richard Coyle*, *John Richard-*
son, *Caleb Larson*, and *John Davison*, for Felony
and Murder.

Richardson, *Larson*, and *Davison*, not being ta-
ken, *Richard Coyle* was arraigned alone on the
two Indictments.

The Jury sworn for this Sessions, were as
follows:

*John Wilkins,
Thomas Stevenson,
Edward Sanderson,
John Robby,
William Laws,
Daniel Cotterel,*

*John Broome,
John Lateward,
John Bradshaw,
Samuel Rowe,
Thomas Fladyer,
Isaac Medway.*

James Thomason was sworn the second Day in
the Room of *Thomas Stevenson*.

Clerk of Arraigns. *Richard Coyle*, hold up
your Hand. Gentlemen of the Jury, look upon
the Prisoner, and hearken to his Cause.

He stands indicted by the Name of *Richard*
Coyle, late of *London*, Mariner, for that he, to-
gether with *John Richardson*, *Caleb Larson*, and
John Davison, not having God before their Eyes,
but being moved and seduced by the Instigation
of the Devil, on the 26th of *August*, in the
Ninth Year of his present Majesty's Reign, he,
the said *Richard Coyle*, with the aforesaid *Richard-*
son, *Larson*, and *Davison*, being Mariners in the
St. John Pink, whereof one *Benjamin Hartley*, a
Subject of our Lord the King, was Master, with
Force and Arms, on the High Seas, 20 Leagues
distant from *Padras* in *Turkey*, and within the
Jurisdiction of the Admiralty of *England*, in and
upon the said *Benjamin Hartley*, being in the said
Ship, and in the Peace of God and our Lord the
King,

King, feloniously, wilfully, and of their Malice aforethought, did make an Assault, and that the Defendant *Richardson*, with both his Hands, him, the said *Hartley*, on the Side of the said Ship, towards the Sea, and on the High Seas as aforesaid, did lift and throw; and the said *Hartley* then and there laying hold of the *Lanniards* of the Shrouds, to preserve himself from falling into the Sea; he, the said *Richardson*, with an Axe which he held in his Right Hand, him, the said *Hartley*, holding by the *Lanniards* as aforesaid, on the Top of the Head did divers Times, feloniously, wilfully, and of his Malice aforethought, strike, by Reason of which Striking, the said *Hartley*, fell from his Holding, and fell into the Sea, and in the Waters he was suffocated and drowned, of which Suffocating and Drowning, he then and there died. And the Indictment charges, that they, the said *Richard Coyle*, with the aforesaid *Larson* and *Davison*, at the Time of committing the said Murder, were present, aiding, abetting, assisting, and comforting, the said *Richardson*, him the said *Hartley*, feloniously, wilfully, and of his Malice aforethought, to kill and murder: And so the Indictment charges, that the Defendants, *Richardson*, *Coyle*, *Larson*, and *Davison*, him the said *Hartley*, feloniously, &c. did kill and murder, against the Peace of our Sovereign Lord the King, his Crown and Dignity.

To this Indictment the Prisoner pleaded, Not guilty.

Clerk. *Richard Coyle*, stands a second Time Indicted, for that he, together with *John Richardson*, *Caleb Larson*, and *John Davison*, on the 26th of August, in the Ninth Year of his present Majesty's Reign, with Force and Arms, on the High Seas, and within the Jurisdiction of the Admiralty of England, twenty Leagues distant from *Padras*; they being then Mariners in the *St. John Pink*, belonging to Subjects of our Lord the King, to the Jurors unknown, and whereof *Benjamin Hartley* was Master, feloniously and piratically did endeavour to make, and did procure and cause to be made a Revolt in the said Ship, the said *Hartley* being then Master, against the Form of the Statute, in that Case made and provided, and against the Peace of our Sovereign Lord the King, &c. And the Indictment farther charges, that the Defendant *Richard Coyle*, together with *John Richardson*, *Caleb Larson*, and *John Davison*, on the 26th of August, then being Subjects of our Lord the King, and Mariners in the *St. John Pink*, belonging to Persons unknown to the Jurors, on the high Seas as aforesaid, and within the Jurisdiction afore-

said, 20 Leagues distant from *Padras* in *Turkey*, and in the said Ship whereof the said *Hartley* was Master, did betray the Trust reposed in them as Mariners, and with Force and Arms did turn Pyrates, and the said Ship, with Tackle and Furniture, value 200*l.* and four Cloth Coats, and two Cloth Waistcoats, one Velvet Waistcoat, two Silk Waistcoats, three white Waistcoats, five pair of Cloth Breeches, three pair of Silk Breeches, a Silk Banjan, two Cotton Banjans, a pair of striped Linnen Breeches, two Coats, six Silk Handkerchiefs, twelve Linnen Socks, thirty Linnen Shirts, three Woollen Caps, a pair of Linnen Sheets, two Linnen Table-cloths, six Napkins, seven Pair of Silk Stockings, six Pair of Thread Stockings, four Pair of Worsted Stockings, two Hats, one Hat lac'd with Silver, a Velvet Bonnet, two Razors, one Silver hilted Sword, a Silver Watch, three large Silver Spoons, a Silver Tobacco-box, a Gold Ring, six Silver Tea-spoons, a Pair of Silver Tea-tongs, a small Kettle, a Stew-pan, two wooden Pails, six Pistols, four Cutlasses, and five-hundred Bushels of Wheat Corn, value 80*l.* the Goods of *Benjamin Hartley*. And 1000 Bushels of Wheat Corn, value 160*l.* the Goods of certain Subjects of our Lord the King, to the Jurors unknown, and being in the said Ship, and under the Care and Custody of the said *Hartley*, as Master, then and there on the high Seas, and within the Jurisdiction aforesaid, about the Distance of twenty Leagues from *Padras*, from the Care and Custody of the said *Hartley*, they did against his Will, feloniously and piratically, steal, take, and run away with: The said *Richard Coyle*, *John Richardson*, *Caleb Larson*, and *John Davison*, being then Mariners in, and on Board the said, against the Peace of our Sovereign Lord the King, his Crown and Dignity. On this Indictment the Prisoner hath been Arraign'd, and for his Trial hath put himself on God and his Country; whose Country you are: Your Charge is to enquire whether he be guilty or not guilty. If you find him Guilty, you are to enquire what Goods, Chattels, Lands and Tenements, he had at the Time of committing this Felony: If you find him not guilty, you are to enquire whether he fled for it; if you find he fled for it, you are to enquire of his Goods and Chattels as if you had found him Guilty; if you find he did not fly, say so, and no more, but hear your Evidence.

First Indictment.

Counsel. My Lords, and you Gentlemen of the Jury; this is an Indictment against the Prisoner, *Rd. Coyle*, for Murder; the Indictment charges, that
Richard

Richard Coyle, with *John Richardson*, *Caleb Larson*, and *John Davison*, not having God before their Eyes, &c on the 26th of *August*, in the Ninth Year of his Majesty's Reign, being Mariners in the *St John Pink*, on *Benjamin Hartley*, the Master, did make an Assault, on the High Seas, and within the Jurisdiction of the Admiralty of England, and the Indictment sets forth, that *John Richardson*, did strike the said *Hartley* several Times on the Top of the Head with an Axe, which he held in his right Hand, by means of which striking, he fell into the Sea and was drowned, and that *Richard Coyle*, *Caleb Larson*, and *John Davison*, were present, aiding, abetting, assisting, and comforting the said *Richardson*, in the said Murder: We shall call our Witnesses and prove the Charge; then we doubt not but you'll find the Prisoner guilty.

Counsel. My Lords, and you Gentlemen of the Jury; the Prisoner at the Bar stands indicted on two Indictments; the First is, for the Murder of his Captain; the other is for Piracy. We shall proceed on the Murder first, and not meddle with the Piracy, till you have the Evidence on that Head, laid before you. The Case will come out thus, — This Ship, the *St. John Pink*, belonged to *Yarmouth*, and one *Benjamin Hartley* was Master. In *January 1733*, this Ship went from *Yarmouth* to *Leghorn*, loaden with Herrings; when she arrived at *Leghorn*; she was employed to trade from Port to Port in the *Mediterranean*. On the 25th of *August 1733* the Master of this Ship, departed from *Padras* in *Turkey*, loaden with Corn, and bound for *Leghorn*. The Ships Company was the Prisoner *Coyle*, *Larson*, a Dutchman, *Richardson* the Carpenter, and *Davison* the Cook; four Mariners besides the Master. There was also three Apprentices to the Master, then on Board, *Philip Wallis*, *William Durrant*, and *William Metcalf*. The Day after the Ship sailed from *Padras*, about two in the Morning, the Apprentices *Wallis* and *Durrant*, were asleep, or laid down in a Place call'd the *Cable-Teer*, a Place, I presume, where the Cables are deposited; they hearing a Shrick, and a great Noise went up on Deck, and there they saw the Master, in the Fore-shrouds of the Ship, endeavouring to avoid the Danger that threaten'd him, and begging his Life. I would not aggravate a Case of this Nature, but will leave the Captain's Expressions to come before you from the Witnesses. They had at this Time a Blunderbuss among them, and they endeavoured to shoot him with it, but (I think) it missed firing. After this, the Prisoner at the Bar, as we apprehend, took hold of the Captain to throw him over-board

into the Sea, but he holding by the *Lanterns* (a Part of the Ship which will be explained to you) the Prisoner took up a Hen-coop Trough, and struck him with it, in order to beat him off, into the Sea, but his Blows had not the wish'd for Effect. The Captain held fast, and did not fall into the Sea, so another of the Confederates, which we have not yet got, the Carpenter *Richardson*, he struck him on the Head with an Axe, and his Blows were so effectual, that the Captain fell off, into the Sea and was drowned. The Fact is attended with such aggravated Circumstances of Cruelty, that I must leave the rest, to come from the Witnesses themselves. After they had committed this Murder, they ran away with the Ship, but as this more properly belongs to the Piracy, for which the Prisoner is likewise indicted, I shall only mention the Manner in which they were taken.

The Prisoner at the Bar, after the Captain was murdered, took upon him the Command of the Ship, and wanting fresh Provision, about fifteen Days afterwards they came to *Focimiano*, an Island belonging to the Crown of *Spain*, and here, tho' they wanted Provision, yet, being sensible of their Guilt, they were afraid to go on Shore, but sent Messengers ashore to and fro in the Night, and one Night while the rest were asleep, the Apprentices, who were not so materially concerned, took an Opportunity of getting ashore, and gave Information to the Magistrates, of the Fact which had been committed: The Crew remaining on board, finding the Boys were gone on Shore, thought it best for them to run away, so they all quitted the Ship, and shifted from Place to Place, till at last the Prisoner was taken at *Tunis*, and was brought hither. The Matter for your Consideration will lye in a narrow Compass, so I shall take up no more of your Time, but shall only call our Witnesses.

Philip Wallis was call'd and sworn.

Counsel. Do you know the *St. John Pink*?

Wallis. Yes, I belonged to her 5 Years.

Counsel. Was you on board this Vessel in *Jan. 1733*?

Wallis. Yes, I was the Captain's Servant.

Counsel. Was there any other Person in the same Condition with yourself? Was there any other Servants?

Wallis. There was one *William Durrant* came a Twelvemonth afterwards, and after that, *William Metcalf*; they were on board in *August 1735*.

Counsel.

Counsel. Where was the Ship then ?

Wallis. The Ship was at *Padras* when the Murder was committed, and *Padras* is in the *Mersa*.

Counsel. How many Persons were then on board ?

Wallis. There was the Captain and the Prisoner at the Bar, he was Mate, and *Richardson* the Carpenter, and a *Spaniard*, and *John Davison* the Cook, and one *Caleb Larson*, a Foremast-Man, he was a *Dutchman*.

Counsel. What Time did you sail from *Padras* ?

Wallis. On Monday in the Forenoon ('twas the 26th of August to the best of my Knowledge, 1735.) The Morning of that Day we came out of the Harbour, and that Night between one and two; they began to murder the Captain; I heard nothing of it till the Captain came up upon Deck, and then I saw the *Dutchman Larson*, jump down and hand up two Blunderbusses, on of them he gave to the Prisoner, and he (the Prisoner) went towards the Captain, who was then upon the Fore-Shrouds, crying out, — dear Mr. Coyle, what are you against me ?

Counsel. And what did the Prisoner say ?

Wallis. He said, yes, he was, and told the Captain it was a Thing consulted among all the Ship's Company, and that over-board he must go, and over-board he should go.

Counsel. Repeat that again.

Wallis. He told the Captain, that over-board he must go, and over-board he should go. After this, the Captain called out to *Richardson* the Carpenter, — my dear Carpenter, are you against me too? No Sir, says he, I am not, and immediately he and the *Dutchman* followed the Captain up the Shrouds into the Fore-top; the Captain ran up the Shrouds into the Fore-top, and the *Dutchman* and the Carpenter followed him.

Counsel. Had they any Weapons in their Hands ?

Wallis. The Carpenter had a a Broad Axe, and the *Dutchman* had a Blunderbuss. The Captain cry'd out to them, *For Christ's Sake, — for God Almighty's Sake spare my Life ! I will hurt none of you, if you'll spare my Life !* The *Dutchman* asked him, whether he would forgive him ? and the Capt said, yes, if you'll spare my Life, and he put out his Hand to shake Hands with him, but *Richardson*, who followed the *Dutchman*, said, G——d d——n you, if you offer to shake Hands with him, I'll chop your Hands off.

Counsel. This was all said while the Captain was on the Fore-top, was it not ?

Wallis. Yes; and he begg'd there that they would save his Life; he begg'd for God Almighty's Sake that they would spare his Life, and he promised not to hurt any of them, but would forgive them if they'd but spare his Life.

Counsel. Where was the Prisoner at this Time ?

Wallis. He was below with a Blunderbuss, and said nothing at all just then: But *Richardson* told the *Dutchman*, if he offer'd to shake Hands with the Captain, he would cleave (cleave) him down the Head. Then the Captain begg'd again, that they would remember his Wife and Family, and the Prisoner call'd out and said, G——d d——n you why don't you fetch him down? Why do you stand talking to him? As we have begun, we must go through with it. After this, the Captain finding they were resolved to kill him, he begg'd for 4 Hours Liberty, by himself, but *Richardson* bid him come down, and swore if he did not come down, he would cleave him down. At last he came down by one of the Back Stays, — he slipp'd down by it; and as he was sliding down by it, Coyle the Prisoner snapp'd a Blunderbuss at him, but it mis'd Fire; then the Captain jumped down, and got it out of his Hands, and intended to throw it over-board, but it struck against the Fore-sheer, and one of my Fellow-Servants kick'd it overboard with his Foot: The Captain had not Power to heave the Blunderbuss clear of the Ropes, so it fell down, and my Fellow-Servant kick'd it into the Sea.

Counsel. What follow'd upon this ?

Wallis. Then the Captain got from them to the Fore-mast, and Coyle and the other two got hold of him and flung him over the Gang-way, but he catch'd hold of the Lanniards of the Main Shrouds, and cry'd out to us, Boys, Boys, can't you do something for me ! We said we could not; one of my Fellow-Servants got hold of me and said, Let us save the Captain's Life; but they said they would knock us down if we offer'd to stir. Then the Carpenter got hold of an Axe, and knock'd his Brains out. The Prisoner took up the Chicken Trough to strike him with, but I cannot say I saw him strike; tho' he was close by when *Richardson* knock'd the Captain into the Sea with his broad Axe.

Counsel. What did the Prisoner say at this Time ?

Wallis. I don't remember, in particular, what he said. After this, they came to us, and asked us what we cry'd for; and they told us, if we would be content, and go with them, they would not hurt a Hair of our Heads. Then *Richardson* the Carpenter went after the *Spaniard*, who was all this while at the Helm of the Ship, and he

said to him, — d — n you, why did not you come and assist us — The Spaniard's Name is *John Davison*; he told them he was minding the Helm—he was looking after that.

Counsel. What did *Richardson* say to that?

Wallis. He said, — D — n you, and the Ship, you might have let the Ship have gone to Hell, and have come and assisted us.

Counsel. Was the Ship under Sail at that Time?

Wallis. Yes; and went after the Rate of two or three Miles an Hour, with a small Breeze of Wind.

Counsel. When they had kill'd the Captain, what follow'd?

Wallis. After that they went down into the Captain's Cabbin, and broke open his Scrutore.

Counsel. Who did?

Wallis. *Richardson* broke it open, and what Things they found they put by themselves together: There was no Money on Board: Then they loaded all the Arms in the Ship.

Counsel. What did they do that for?

Wallis. *Coyle* and the *Dutchman* would have them down to load them, because, they said, they could not tell who they had to trust to.

Counsel. After the Death of the Captain, where did you sail to?

Wallis. The first Land we made, afterwards, was the Island of *Malta*; but before they went to Land, they made Articles, and *Richard Coyle* the Prisoner was made Captain; *Richardson* went for Mate, and *Larson* the *Dutchman* for Boatswain. Then they came to us, and wanted us to sign the Articles, but we were not willing; so, upon our refusing, they would not go to Land, but *Coyle* cry'd out, if they won't, — then bear away Boys, we'll remember them another Time; we'll give them nothing but Bread and Water, and serve them worse than the Captain was serv'd. This he said to me and my Fellow-Servants.

Counsel. Where did you go when you left the Coast of *Malta*?

Wallis. We put into *Foviniano*. We wanted Water, they said; but we had Water enough on Board: Indeed they wanted fresh Provision and Liquors. At *Foviniano* they could get nothing but Water; so when they came off the Island in the Boat, they let it lie a-stern of the Ship, and the next Night I and my Fellow-Servants, and a Greek, Four of us in all, got into the Boat, and went a-shore. This was about Midnight, when they were all fast asleep. They miss'd us about an Hour an half after we were gone, and they haul'd out the Long-Boat, and went off in her

from the Ship. The next Morning the Governor sent us aboard again, with 13 Soldiers, but the Prisoner and his Companions had left her, and were gone.

Counsel. What became of the Vessel?

Wallis. She was sent to *Trepany*, where there was an *English* Consul, and there we perform'd Quarentine.

Counsel. Where about is *Foviniano*?

Wallis. *Foviniano* is near *Trepany*, and that is not far from the Island of *Sicily*. When our Quarentine was out, I was sent to *Leghorn*, and from thence to *Lisbon*, and so to *England*. I never saw the Prisoner after he left the Ship, 'till I saw him at *Lisbon* on board the *Princess Louisa*, in which Ship he was to be brought home.

Counsel. Who do you say was made Master?

Wallis. The Prisoner was made Captain; *Richardson* the Carpenter went for Mate, and *Larson* the *Dutchman* was Boatswain.

Q. When the Captain call'd upon you for Help, what did the Prisoner say to you?

Wallis. I don't remember what he said to us.

Q. When the Prisoner took up the Chicken-Trough, what did he do with it?

Wallis. He was going to knock the Captain on the Head with it.

Counsel. You say when the Captain was coming down the Shrouds, the Prisoner snapp'd a Blunderbuss at him; was it loaded or not?

Wallis. Yes, it was loaded; there were three of them loaded, and lay under his Cabbin.

Counsel. Did you see the Prisoner attempt to throw the Captain over-board?

Wallis. He lent a Hand, but I did not see him strike him.

Counsel. Are you sure the Blunderbuss was loaded?

Wallis. Yes, I saw them loaded two or three Days before.

Q. When the Captain was struck from the Lanniards into the Sea, did he sink presently?

Wallis. Yes, he sunk down directly.

Prisoner. I would ask that Witness, whether the Captain and I had an angry Word together all the Voyage? And whether I was not a particular Favourite of the Captain's.

Wallis. The Prisoner had some Words with the Captain a few Days before we came out of the Harbour, at *Padras*.

Prisoner. At *Ancona* the Captain paid us all our Wages, and he was so kind to me, that he asked me if I wanted Money; and I told him, I should not have Occasion for any till I came to

Leghorn.

Leghorn. I acknowledge I snapp'd the Blunderbuss, but not with a Design to kill him.

Counsel. Who loaded the Blunderbuss?

Wallis. The Prisoner loaded every one of them himself.

Counsel. Call *Richard Durrant*. Who was sworn.

Durrant. I was on board this *Pink* in the Year 35 at *Padras*.

Counsel. Who was on board at that Time?

Durrant. The Prisoner, who was the Captain's Mate, *John Richardson* the Carpenter, and *Larson* the Boatswain, and *Davison* the Cook, and us three Servants, *Wallis*, *Metcalf*, and myself.

Counsel. When did you sail from *Padras*?

Durrant. On a *Monday* Morning, about Ten o'Clock in the Forenoon.

Counsel. What happen'd after you came from *Padras*?

Durrant. About Two o'Clock in the Morning, the Captain went to sleep; *Wallis* and I lay down in the Cable-Teer. We were waked with a Noise, and I asked *Wallis* what was the Matter? He said he heard a shrieking upon Deck; so we ran up to go upon Deck, but I saw *Coyle* with something in his Hand, and was afraid to venture farther. I saw them running after the Captain, and he was endeavouring to avoid them: upon this, we went upon Deck; and I saw the Captain upon the Fore-top, begging and praying for his Life. There were the Carpenter *Richardson*, and *Larson* the Boatswain going up the Shrouds after him, and the Prisoner stood at the Bottom with a Blunderbuss in his Hand. The Captain was some Minutes on the Fore-top, and he called out to shake Hands with them; but the Carpenter said, by G—d if you offer to shake Hands with him, I'll cleave you down with the Axe.

Counsel. What Words did the Captain use?

Durrant. He begg'd of them for God Almighty's Sake to remember his Wife and Family. As he came down, the Prisoner, who stood upon Deck with a Blunderbuss, snapp'd it at him, but it did not go off.

Counsel. What happen'd afterwards?

Durrant. The Captain haul'd the Blunderbuss out of the Prisoner's Hand, and threw it, as if he intended to throw it over-board, but it struck against the Tackle and fell into the Ship, and my Fellow-Servant kick'd it over-board with his Foot. After this, the Captain got to the middle of the Ship, and the Prisoner and all the rest

took hold of him, and they hove (heaved) him over the rough Tree, but the Captain caught hold of the Lanniards, and held fast; then the Prisoner took up the chicken Trough and struck him, as he hung, several Blows with it over the Head.

Counsel. Are you sure you saw the Prisoner struck him with the chicken Trough?

Durrant. Yes, I did; and they found that would not do, so the Carpenter with his Axe struck him several Times upon the Head, and then he let go his hold, and dropp'd over Board and was drown'd immediately. We expected they would kill us too.

Counsel. What did they say to you?

Durrant. They bid us not cry, they would not hurt us, and this, and that—and to ther. Then they went down into his Cabbins, and looked over his Cloaths, and got all his Papers together, and burnt every one of them. The next Day, they shar'd his Cloaths, and every one had his Part. The Prisoner had his Part, *Richardson* and *Davison* had theirs, and *Larson* stood upon the Ladder and cry'd—Who shall have this?—Who shall have this?—After this we made the Island of *Malta*, and they had a Mind to go in there for Provision, but were afraid.

Counsel. What happen'd next?

Durrant. The next Thing they did, was, they went down into the Cabbins and drew a Paper, and they brought it to us to Sign; we refused, and *Richardson* told us, if we would not Sign it, we should go the same Way with the Captain: No, says the Prisoner, they shall not go the same Way, we'll Starve them to Death. After this, they talked of putting in at *Malta*, but they were afraid, so we made the Island of *Mauritimo*, for they had Drank all the Wine out, and they wanted to put in somewhere for more, and this was a Place, where they need not perform any Quarentine, so we brought up to an Anchor that Night, and in the Morning, the Prisoner dress'd himself in the Captain's Cloths, and was row'd ashore in the Yawl, by two Hands. We were kept aboard all that Day, and at Night, *Larson* and *Davison* were upon Guard upon Deck, one of them with two Pistols, and the other with a drawn Sword, to prevent our getting ashore. After this we came to *Fovindano*, and one Night finding them asleep, we haul'd the Yawl to, and my Fellow-Servants got in; I heaved the Oars over board, and then got in myself; we row'd ashore directly and acquainted the Governor; we desired they would go off directly and take them, but they said they had no Orders: That Night we lay on Shore, and next Morning when we went on Board, the Prisoner and

and the rest of them, were gone off in the Long-Boat.

Council. Was the Blunderbus that the Prisoner snapp'd at the Captain, loaded, or not?

Durrant. It was loaded; they were all loaded 3 or 4 Days before; I can't say certainly who loaded them, but I know they were all charged.

Q. When the Carpenter gave him the Blows on the Head with the Axe, which beat him into the Sea, was he drowned?

Durrant. I never saw any Thing of him more; he sunk down directly. This was at *Foviniano*.

Q. Did you perform Quarentine there?

Durrant. No, at the Island of *Trepay*.

Q. Who had the Command of the Ship, after the Captain's Death?

Durrant. The Prisoner.

Prisoner. I would ask him, whether I had any Animosity agaist the Captain?

Durrant. About two Days before we came from *Padras*, the Captain and he had some Words about a Townsman of his, who was at *Padras*. The Captain had told your Townsman, you was a drunken Fellow; he told you again, and you came aboard and rail'd at the Captain for it.

Council. Call *William Metcalf*. Who appeared and was sworn.

Metcalf. I was on board this Pink in August, 1755.

Council. Where was the Ship then?

Metcalf. At *Padras*.

Council. When did you Sail from thence?

Metcalf. On Monday the 26th of August, between 10 and 11 o'Clock.

Council. Who were on Board at that Time?

Metcalf. *Richard Coyle*, Mate; *John Richardson*, Carpenter, one *Larson* a Mariner, and *Davison* the Cook, and a Greek and 3 Apprentices; the Master, *Benjamin Hartley*, was on Board too.

Council. What do you know more of this Affair?

Metcalf. The next Morning, between one and two, they Murder'd the Captain.

Council. And where was you?

Metcalf. I was in the Fore-castle; this was between one and two, on Tuesday Morning. I heard the Captain cry out, and saw him afterwards running upon Deck, and then up the Shrouds, and the Prisoner followed him, with a Blunderbus in his Hands. The Capt. ran up, upon the fore Shrouds, and into the Topmast, and *Larson* and *Richardson* follow'd him to the Topmast.

Council. What did the Captain say to them?

Metcalf. He begg'd for God's sake,——for Christ's sake, they would spare his Life; and the Prisoner said;——Captain *Hartley*, you must go over-board.

Council. What was done next?

Metcalf. He begg'd of *Larson*, and said, Dear *Caleb*, shake Hands with me, and he reach'd out his Hand to him; but *Richardson* the Carpenter lifted up his Axe, and said, if you do, I'll clive your Brains out. Then the Captain came down to Leeward, and *Coyle* snapp'd the Blunderbus at him.

Council. Did you see him snapp the Blunderbus at him?

Metcalf. Yes; I stood just by him, and saw it; when the Captain found the Blunderbus did not go off, he run to him, and snatch'd it out of his Hands, and threw it from him, and I kick'd it into the Sea.

Council. Was the Blunderbus loaded?

Metcalf. Yes, they were charged on Account of the *Turkish* Pyrates on that Coast. After this, they took hold of the Captain.

Council. Who took hold of him?

Metcalf. *Larson* and *Richardson*; and they heav'd him over the Gang Way, but he caught hold of the Lanniards, and *Coyle* took up a Hen-coop Trough, and struck him 2 or 3 Blows on the Head and Shoulders; the Carpenter struck him too over the Head, with his broad Axe, and the last Words he spoke, were,——*I am a dead Man*, and so he dropt down immediately into the Sea; I looked over board, and saw him sink directly.

We begg'd the Prisoner to give us the Boat and let us go away, but he would not, and said, What are you afraid of, we won't hurt you; go along with us, if you go away, what shall we do with the Ship?

Council. Was the Ship under Sail?

Metcalf. Yes, 'twas going before the Wind, and we were making the Island of *Malta*; and when we lay of the Island, the Prisoner came to me, and asked me my Name; he said he could not spell it right: Then he went down and Articles were drawn, and he told me I must Sign them.

Council. What were the Articles?

Metcalf. I can't certainly tell what was in the Articles; but *Coyle* was stiled Captain; *Richardson* was to be Mate; *Larson* was to be Boatswain, and *Davison* was to stand as before. *Coyle* took the Guidance of the Ship upon himself, as Master.

Council. What did they do at *Malta*?

Metcalf. They intended to go in; so they made us set our Hands to the Paper; but after we had Sign'd it, they were afraid to venture ashore there.

Council. Who were afraid?

Metcalf. *Coyle* and *Larson* were afraid to go in; and *Richardson* fell a D—ing and Cursing them, because they would not go in.

Council.

Council. So you signed the Paper.

Metcalf. The Carpenter told us, if we would not sign it, he would send us the same Way with the Captain. No, says the Prisoner, we'll keep the Ship out at Sea, as long as there's a bit of Beef, or a Drop of Water on Board, and we'll starve them; then we sign'd the Paper, and as soon as we had done it, the Prisoner and the Carpenter laugh'd, and said, now we are sure of you. Then we were coming down the *Streights*, and after we came between the Island of *Mauritimo* and Cape *Bonne*, we stood away to the North-ward, and bore away for the Island of *Foviniano*. They talk'd of going to *Trepány*, but Coyle said, 'twas better to go to *Foviniano*, because there they were not so strict in their Quarentine. When we came to *Foviniano*, we let out two Anchors, and the Governor in the Morning sent a Man on Board. The Prisoner dress'd himself in the Captain's Cloaths, and he pass'd for Captain, and we went on shore to sell some Corn, and purchase fresh Provisions; but they would take no Corn, and we had no Money, so they could get nothing but Water there. We were kept on Board all the Time, that the Prisoner was on shore; when he return'd to the Ship, he took the Captain's Watch and his silver Spoons, to see if the Governor would take them for Provision, and this Time *Davison* and *Richardson* and I, went with the Prisoner on shore, and we took some Casks with us and return'd with Water.

Council. And what happen'd next?

Metcalf. In the Night, when they were asleep, I went down and called my Fellow-Servants, and the Greek, and we got into the Yaul: *Durrant* staid behind to slip the Oars over-board, for we were afraid to throw them into the Boat, for fear they should hear us; so we lay by, a little while, till the Oars drove to us, and then we row'd to shore. The Soldiers upon shore, charged us to keep off; but we begg'd for God's sake we might come on shore, and we told them our Captain was Murder'd: Upon this, they suffer'd us to land, and put us all into a Cave for that Night. When the Governor examin'd us, we desir'd 4 Hands to go on Board the Ship, lest they should cut the Cable, or sink the Ship; but after he had examin'd us, he went to his own House, and set 20 or 30 Soldiers over us in the Cave, and they told us they could see the People in the Ship, hauling the Boat a long side of her. We begg'd them to fire a Musket upon them, but they said, they could not Fire without Orders from the Governor; but when they got into the Boat, they Fired 20 or 30

Muskets upon them, but they got away; I saw them go off in the Boat, and never saw any of them since, 'till I saw the Prisoner here.

2. When the Boat went away, who was it that Fired upon them?

Metcalf. The *Spanish* Soldiers that were upon Shore.

2. How many of you went ashore in the Boat?

Metcalf. I and my two Fellow-Servants, and the Greek.

Prisoner. I would ask this Witness, whether I ever abused the Captain? Whether I ever had any Words with him, and whether I was not his Favourite?

Metcalf. No, I don't know that he abused the Captain all the Time of the Voyage; the only Time the Captain and he had Words, was at *Padras*; but (I think) they were Friends together after that.

Council. How long after these Words did the Captain live?

Metcalf. He was kill'd 2 or 3 Days afterward.

The Prisoner's Defence.

I have no one to appear for me, nor any Friend, therefore I hope you will hear me patiently. We sail'd from *Leghorn*, March 23d. When we arriv'd at *Messina*, we took in Goods and went to a Bay near *Syracusa*: After that, when we came to Sail, the Captain had some Words with *Larsen*, the Boatswain, about making fast the stopper of the Anchor; the Boatswain got hold of the Captain, and I turn'd my self about, and took him (the Boatswain) by the Collar, and said, — *Caleb*, What are you about to do Mischief? *Wallis*, one of the Boys said, D——n him, heave him over-board; but I released the Captain out of the Boatswain's Hands, and he went upon the Quarter-Deck. I said to *Caleb*, go after the Captain, and fall upon your Knees and beg his Pardons: Accordingly he did so, and the Captain forgave him: So we proceeded on our Voyage from thence to the *Morea*, and we landed some Passengers at *Salonica*; we were loaded with Tobacco, and were to go from thence to *Ancona*. I was offer'd a Ship, but the Captain perswaded me to stay with him; no better Agreement could be between two People, than between him and me; nor did I ever Eat or Drink worse than he himself. When we had made this Voyage, the Captain design'd to come Home to *Falmouth* for *Pilchards*, upon which 2 Greeks we had a Board desired to be Discharged, he paid them their Wages, and ask'd me if I wanted Money; I told him, it would be more

more agreeable to me, on account of my Wife and Family, to take my Money at *Leghorn*. So the Captain paid the *Greeks* off and Discharged them, and this *Richardson*, *Larson*, and the *Spaniard* came on board in their stead. We then sail'd for *Padras*, with Money on Board, which the Captain had receiv'd for Freight, and Money receiv'd at *Leghorn*. We took in a Cargo at *Leghorn*, and in the Time of loading there, this was express'd by these three young Gentlemen;—there was a fine Sloop come from *Venice* of 160 Tons, which the Carpenter and these Witnesses, and the *Spaniard*, and the *Greek* had agreed to cut away in the Night; I heard a great deal of their Villany;—but the Sloop sailing, they were disappointed in their Design. Then, we being loaded sail'd about 8 o'Clock in the Morning, the 11th of *August*. They took all my Papers, and suffer'd me to save nothing, but what I brought upon my Back out of the Ship. In the Night I went to watch from 8 to 12; they came to call me, so I went upon the Deck, and there I found the Carpenter, the Boatswain, and the *Spaniard*, I can't say where the Boys were, I believe they might be in the Steerage, but the Carpenter says to me, *Coyle*, if you don't take this broad Axe in your Hand and stand at the Cabbin Door, and if the Captain offers to come up, if you don't knock him on the Head I will cut you in Pieces. I said, pray don't do so; if you make a Word on't says he, I'll throw you over-board: So I thought best to take the Axe into my Hand, but when they were gone I threw it down again, and knew nothing of it till the Captain came running up upon Deck, and they follow'd him. I ran round and got upon the Quarter-Deck, then I saw the Captain on the Fore-top, and the Carpenter and the Boatswain on the Fore-yard. The Carpenter was an ill Man, I did not like him,—he had not been aboard a Month,—therefore I had no Commerce with him. But I seeing the Captain on the Fore-top, I jumped into the Steerage, and took up a Blunderbuss; but I never loaded it, and I believe there had not been a Pistol nor a Blunderbuss loaded for some Time, for we had not a Pound of Powder on Board. I went for the Blunderbuss to shoot the Carpenter, and being very much surpriz'd, I snapp'd it, (but did not know whether 'twas loaded or not,) with a Design to shoot the Carpenter on the Starboard Side of the Quarter Deck. *Metcalf* and *Durrant* brought the Captain round, and I thought they were going to heave him over board. They know I have declared these Things before, and that

makes them such strong Evidences against me now. I came round with my Blunderbuss, to strike in among them, I don't know I struck, but it was taken out of my Hands and thrown over board. The Carpenter took the Captain, he struggled, but there was never a Blow struck, nor a Drop of Blood spilt. The Carpenter made a Reach at me with his Axe, and said G—d D—n you, you shall go first, which made me withdraw on the Quarter Deck; then he fetch'd the Captain a Blow, but it did not stun him, so he call'd out to me, *Coyle*, *Coyle*, for God's sake help me; Lord have Mercy on you, says I, the Men are all against you, and so they *love* him over board. Then *Wallis* went down into the Cabbin, and brought up 2 Case Bottles, a Bottle of Brandy, and a Bottle of Rack, and they propos'd to make Punch Royal, that is, with Wine in it. Next Morning I said to *Wallis* what a Piece of Work is this! D—n him, says he, 'twere no Matter if one half of the People at *Yarmouth* was serv'd in the same Manner. Before the Consul of *Tunis*, he acknowledged himself guilty, and accused every one of them but me.

Q. If you apprehended the Blunderbuss was not charged, how came you to take it up, and snap it?

Coyle. I never examin'd it,—I was in a Surprise.

Q. Did you go ashore at *Fovignano*?

Coyle. Yes, by the Carpenters Orders. I never had a Rag of the Captain's Cloaths; the Carpenter took his Cabbin for his own Habitation. If I had had a Mind to have been a Villain, how came I to preserve the Ship and Cargo; they knew no more of it than you do. When the Water was stor'd in the Forecastle, I perswaded them to go into *Malta*, but neither *Metcalf*, *Durrant*, nor *Wallis* would go; if they were innocent, why should they refuse to go into safe Harbour?

Q. When the Captain was kill'd, who navigated the Ship?

Coyle. I did, under the Command of the Carpenter.

Q. The Witnesses say, you and *Richardson* and the rest, went away in the Long Boat, what became of you?

Coyle. We went to *Tunis* in *Barbary*. In Case these three Witnesses had assisted the Captain, the Thing could not have been done.

Q. Have you any Witnesses?

Coyle. No, none but the Boatswain and the Consul of *Tunis*.

Q. Pray why did you leave the Ship?

Coyle. After they went from *Footiniano*, they differ'd in their Opinions, and were afraid of one another, so the Boys took the Boat unknown to the other Men and went away; when the Boatswain found the Boys and the Boat was gone, he call'd the Carpenter, who lay in the Captain's Cabbin, and told him the Yaul was gone: I was pleased with it, thinking they would now go away and leave me on Board; so the Carpenter turn'd out, and call'd the Spaniard *Davison*, and they consulted together, and haul'd up the Long Boat, and put Masts and Sails into her, and took what Things of mine were on Board, and then the Carpenter came to me with two or three Cutlasses, and haul'd me on Deck, and said G——d D——n you, get into the Boat; I heard what they were about, and was in Hopes they would have left me in the Ship, so I said, for God's sake don't kill me, and while I was dressing, one of them gave me two or three Blows with the flat side of his Cutlass, and told me, if I would not go he would cut me in Pieces; then he ordered me into the Boat, and put me to an Oar, and one of them steer'd; we row'd a Mile, and got to Windward of the Island, then they ask'd me, what Place they might go too where there was no English Consul; I told them they must go to *Tunis* or *Tripoly*: They said they would not go either to *Tunis* or *Tripoly*; so after some few Days, we proceeded to a Place just off *Tunis*, and there we stopp'd to shelter our selves, for the Wind blew hard, and we were loaded: Then we proceeded to *Byzartia*, and landed 15 Leagues to the Westward of *Tunis*, and the Carpenter before we put in made me swear, that I would be one of his Company, and said I should not stir from him; he said he would run his Knife thro' me if I spoke any Thing of this Affair. When he came ashore, he was dress'd in the Captain's Cloaths, and appear'd very grand. He told the People he was born in *New-York*, and pass'd an Examination before the Governor, but what he said there I don't know; but a Paper was brought us, and we all sign'd it. After a while we had all Orders to come to *Tunis*, so we came to *Tunis*, and there I was confin'd with the Carpenter, who was Captain for two Days; at last I discover'd the Thing, and the Carpenter made his Escape, but was retaken; the Boatswain turned *Turk*, and the other turn'd *Jew*; I was kept in Prison there three Months.

Q. Where was you taken into Custody?

Coyle. I surrendered to the Vice-Consul of *Tunis*.

Q. What Ship was you put on board there?

Coyle. I was put on board one Captain *Darrel*.

Q. Was you at Large in that Ship?

Coyle. I had small Irons put upon me, but I had my Liberty to walk about the Ship. From *Tunis* I was carried to *Gibraltar*, and I was in Custody there two Months; from *Gibraltar* I was sent to *Lisbon*, and came Home from thence in the *Princess Louisa*.

Q. And had you Irons on all this while?

Coyle. Yes, but I was at Large.

Q. Have you any Witnesses?

Coyle. What Witnesses can I have, since all the Ship's Crew were concerned? As for the 3 Witnesses against me, I have often beat them myself for abusing the Captain. 'Tis hard I should have such frivolous Witnesses against me, when I have been Master of a Ship myself seventeen Years. I have used the Seas in the King's and Merchant's Service this great while, and defy any Person to say, that Black is the White of my Eye. Call *Joseph Lyon*.

Joseph Lyon. The last Time I saw the Prisoner was five or six Years ago. I have known him thirteen or fourteen Years, I never knew any Harm of him, and took him to be an honest Man, nor did I ever hear any one give him a contrary Character. This Affair I know nothing of.

Richard Manwaring. I have little to say in his Behalf; I knew him ten Years ago, and have never seen him since; he was hired and freighted by a Person I had some Concerns with, to carry Goods to *Madeira*, and he performed that Voyage and had then a good Character; as for any thing since, I know nothing of him; he told me himself that he bored Holes in the Ship, on Purpose to have them taken, but how true it is, I cannot tell.

Another Witness. I have known the Prisoner 27 Years, he was born just by me; I never heard any Hurt of him; the last Time I saw him was about 3 or 4 Years ago in *Church-Alley*, in *St. Olave's Parish*.

C. Why he was aboard this *Prize* three Years ago.

Witness. It might be four, for ought I know.

The Jury withdrew, and in a short Time returned, and found the Prisoners guilty.

W. Rath.
Edward

Edward Johnson, late of London, Mariner; Nicholas Williams, late of the same Place, Mariner; Lawrence Senett, late of the same, Mariner; Nicholas Wolf, late of the same, Mariner; Pierce Butler, late of the same, Mariner; and John Bryan, otherwise O'Bryan, late of the same, Mariner; you stand indicted, for that you, not having God before your Eyes, but being moved and seduced by the Instigation of the Devil, on the 7th of September, in the Tenth Year of his Majesty's Reign, you, the said Edward Johnson, Nicholas Williams, Lawrence Senett, Nicholas Wolf, Pierce Butler, and John Bryan, otherwise O'Bryan, then being Mariners of, and in a certain Ship, called the *Dove* Brigantine, of which one Benjamin Hawes, a Subject of our Lord the King, was Master, with Force and Arms, on the High Seas, and within the Jurisdiction of the Admiralty of England, about half a League distant from Leghorn in Italy, in Parts beyond the Seas, in and upon the said Benjamin Hawes, then being Master as aforesaid, in the Peace of God, and in the said Ship, feloniously, wilfully, and of your Malice aforethought, did make an Assault, and that you Edward Johnson, with a certain Knife made of Iron and Steel, which you then and there held in your Right Hand, in and upon the Left Part of the Breast of the said Benjamin Hawes, near the Left Pap, then and there on the High Seas, and within the Jurisdiction aforesaid, feloniously, wilfully, and of your Malice aforethought, did strike and stab, giving to him then and there on the High Seas, and within the Jurisdiction aforesaid, on the Left Part of the Breast, and near the Right Pap as aforesaid, a mortal Wound of the Length of one Inch, and the Depth of three Inches, of which mortal Wound, then and there on the High Seas, and within the Jurisdiction aforesaid, he instantly died. And the Indictment further charges, that you Nicholas Williams, Lawrence Senett, Nicholas Wolf, Pierce Butler, and John Bryan, otherwise O'Bryan, at the Time of committing the said Felony and Murder, feloniously, wilfully, and of your Malice aforethought, were present, aiding, abetting, assisting, and comforting the said Edward Johnson, him the said Benjamin to kill and Murder: And so the Indictment says, that you Edward Johnson, Nicholas Williams, Lawrence Senett, Nicholas Wolf, Pierce Butler, and John Bryan, otherwise O'Bryan, him the said Benjamin Hawes, in Manner and Form as aforesaid, feloniously, wilfully, &c. did kill and murder, against the Peace of our Sovereign Lord the King, his Crown and Dignity.

[To this Indictment the Prisoners pleaded, Not guilty.]

On this Indictment the Prisoners have been arraigned, and on their Arraignment have severally pleaded Not guilty; and for Trial, have put themselves upon God and their Country, whose Country you are. Your Charge is, to enquire whether they, or any of them, are guilty of this Felony and Murder, or not guilty; if you find them guilty, you are to enquire what Goods and Chattels they had, at the Time the Felony was committed; if you find them not guilty, you are to enquire whether they fled for it; if you find they fled for it, you are to enquire of their Goods and Chattels, as if you had found them guilty; if you find they did not fly for it, say so, and no more, and hear your Evidence.

Counsel. My Lords, and you Gentlemen of the Jury, this is an Indictment against Edward Johnson, Nicholas Williams, Lawrence Senett, Nicholas Wolf, Pierce Butler, and John Bryan, otherwise O'Bryan, the Prisoners at the Bar, for Murder. The Indictment sets forth, that the Prisoners being Mariners in a Ship called the *Dove*, about a League distant from Leghorn in Italy, in Parts beyond the Seas, and within the Jurisdiction of the Admiralty of England, on the 7th of September, in the Tenth Years of his Majesty's Reign, with Force and Arms, on the High Seas, and within the Jurisdiction aforesaid, on Benjamin Hawes, then Master of the said Ship, did make an Assault; and that Edward Johnson, with a Knife made of Iron and Steel, which he held in his Right Hand, the said Benjamin Hawes, feloniously, wilfully, and of his Malice aforethought, did strike and stab, giving him the said Benjamin, a mortal Wound of the Length of one Inch, and the Depth of three Inches, of which mortal Wound he then and there died; and so he, the said Edward Johnson, him, the said Benjamin, did kill and murder. And the Indictment further charges, that Nicholas Williams, Lawrence Senett, Nicholas Wolf, Pierce Butler, and John Bryan, otherwise O'Bryan, were present, aiding, abetting, assisting, and comforting the said Edward Johnson, at the Time of committing the said Felony and Murder. The Prisoners have pleaded, Not guilty, if we prove they are guilty, we doubt not but you will find them so.

Counsel. My Lords, and Gentlemen of the Jury: The Prisoners at the Bar, are indicted for the Murder of Benjamin Hawes, Master of the *Dove* Brigantine, this was an English Ship, which Sail'd from Harwich in the Year 1730, on trading Voy-

ages, towards the *Madagascar*, and other Parts. The Nature of these trading Voyages is such, that when the Mariners have made a Port of Delivery, they claim being paid their Wages and their Discharge: This Custom laid the Captain under a Necessity, several Times to change his Crew; and at the Time, the Fact we charge against the Prisoners was committed, there was no Person on board beside themselves, except one *Walker*, the Captain's Apprentice. In June 1736, the Ship was at *Marseilles*, mann'd with three *Italians*, and one *French* Man, and the Master's Apprentice, and there the Prisoner *Williams* was ship'd as Captain's Mate. From *Marseilles* they proceeded to *Leghorn*; at *Leghorn* (it being the Usage to discharge the Crew) the *Italians* and the *French* Man were discharg'd, and there he waited for a Cargo to take on board for *England*. When he had been at *Leghorn* about six Weeks, *Johnson* and one *Derrick*, a *Dutch* Man, were hired as foremast Men, and there was one *O'Mara* came on board there as a Passenger; *Bryan*, *Wolf*, and *Butler* came on board unknown to the Captain, who having taken in his Cargo (which consisted of Sugars, Tobacco, and other Goods, consigned to *Messina* and *Amona*) he came on board the 7th of September 1736, in order to prepare for Sailing; the Time he came on board was about nine or ten o'Clock at Night, and according to his Order, the Vessel was got ready to sail; but it happen'd at that Time, there was but a very little Wind; so the Master order'd the Mate, when the Wind came off the Land, he should heave Anchor; for though there was but little Wind, yet (it seems) there is a Breeze comes off the Land at some Seasons. When the Captain had given proper Orders, he retired to his Cabin, to take his Rest: And about half an Hour, or three Quarters of an Hour after his Retirement, the Boy *Walker*, his Apprentice (who had been on board the Ship from the Time of her out-setting), he heard Groans and Sighs as of a dying Man, and immediately saw the Prisoner *Johnson* coming up the Companion Ladder with a Knife in his Hand and bloody. The Boy being astonished, asked *Williams* the Mate about the Noise, and enquired what was the Matter. At this Time, he found *Johnson*, *Snott*, and the *Dutchman*, at the *Windlace*: *Snott* had a Handspike in his Hand, and he put it into the *Windlace* on the one Side, and the *Dutchman* put another into the other Side, and *Johnson* was calling off the *Stopper*. These are Terms of Art, and we mention them to express Acts used in weighing Anchor; and these shew they were then weighing Anchor. The Boy was surprized at what they were doing, and asked

them why they heave'd Anchor when there was no Wind stirring to assist them, but he finding them resolved to Sail, he thought proper to get every Thing in Readiness; so he went down into the Captain's Cabin for his Shoes. He found the Cabin door open, and the Captain, bloody and wounded in such a Manner, as you will best hear from the Evidence himself. He went immediately to the Prisoner *Williams* (the Mate) and told him the Captain was kill'd: *Williams* said, the Lord have mercy upon me! and used Expressions, — whether they denoted Guilt, or were only Words, the Effect of Compassion, must be left to you; but the Boy having seen *Johnson* come up bloody, he desired the Mate to lead him to the Ring-bolt, supposing him to have committed the Murder; but *Williams* instead of doing this, went immediately to *Johnson* and talked with him, and then *Johnson* went and seized the Boy, to prevent his discovering the Iniquity they had committed, and swore he would kill him too. The Boy had Resolution enough to strike him on the Arms, so he got clear, and ran to the Gang-way of the Ship, and *Johnson* call'd out kill him, kill him, and he apprehending Danger, jumped over-board into the Sea, and *Johnson* threw his bloody murdering Knife after him into the Sea, but it happened only to cut his Trowsers. The Boy was no sooner in the Sea, but they were for pursuing him, and they mann'd out the Boat to catch him, and prevent his making a Discovery: They row'd after him, but could not take him; he swam to some Ships that lay in the Mole at *Leghorn*, and discover'd the Murder: Upon which several Boats, from the Merchant-Ships in the Mole of *Leghorn*, were mann'd out, and they seized the Prisoners. *Derrick* the *Dutchman* was taken among them, but he dy'd in his Passage. When the Company in these Boats boarded the Ship, they found the Captain dead, and there were Disputes among the Prisoners; *Williams* said, it signify'd nothing to deny the Murder, for *Johnson* had done it. *Snott*, *Johnson*, and *Butler* had hid themselves in the Hold of the Ship, under some Hides. This was a concerted Matter, to put the Captain out of the Way, — to kill him, in order to secure the Ship to themselves. I will not touch upon the Piracy, that will come under your Consideration hereafter. The Evidence of their Acting all in Conjunction, will be strong against them, and in Point of Law, they are all Principals in Murder, where all concur in Murdering a Subject of the Crown. 'Tis a melancholy Case; and I had rather the Circumstances should come from the Witnesses themselves, than open them

myself, therefore I shall leave them to your Consideration.

Richard Walker was call'd and sworn.

Counsel. Do you know the Vessel call'd the *Dove Brigantine*?

Walker. Yes; I belonged to her nine Years: *Benjamin Hawes* was Master.

Counsel. When did you go from England in her last?

Walker. About six Years ago: We went from *Harwich* and *Falmouth*: I was the Captain's Apprentice, and was to go with him all his Voyages for a certain Term of Years.

Counsel. Where was you in June last?

Walker. At *Leighorn*.

Counsel. Who had you on board at that Time?

Walker. *Williams* was Mate, and *Johnson* was a Mariner; *Senett* was a Mariner likewise, and one *Derrick* a Dutchman was a Mariner too.

Counsel. Had you no one else on Board?

Walker. Yes; we had one *O'Mara* a Passenger on board, and none else, but the Captain and my self.

Counsel. When was you to sail from *Leighorn*?

Walker. We were to sail from thence the 7th of September.

Counsel. Were the rest of the Prisoners at the Bar on Board?

Walker. I did not see them then: The Master gave Directions on the 7th of September, that as soon as the Wind came off the Land, they should heave the Anchor; and then he went down into his own Cabin, and went to sleep, and I went and lay down on the Quarter-Deck, over his Head, and went to sleep likewise.

Counsel. What follow'd upon that?

Walker. I heard a shrieking and groaning, which wak'd me.

Counsel. What Time o' Night was this?

Walker. I believe it was half an Hour past Ten when I heard it.

Counsel. What sort of a Noise was it?

Walker. Like the Groans of a dying Man. I could not then tell what it was; so I got up, and was coming round the Companion, and I met *Johnson* with a Knife in his Hand, and his Right Hand was all bloody. I asked him why he was bloody, and went down directly to see what was the Matter. I call'd *Williams* three times by Name, and he ask'd me what was the Matter? I ask'd him if he was hurt; he said, No. I desired he would let me look at him; he said, may be the Captain is dreaming.

Counsel. Were they heaving the Anchor at this Time?

Walker. Yes; *Senett* had put a Handspike in to the *Windlass* on one Side, and the Dutchman had another in the other Side, and *Johnson* was casting off the *Stopper*, in order to heave up the Cable. *Senett* said to *Williams*, shall we heave up the Anchor? Aye (says he) with all my Heart, Boys—Turn too Lads; heave it up with all my Heart.

Counsel. What did you say to them?

Walker. I said, what signifies heaving the Anchor, when the Vessel won't work? *Williams* said, the Captain had order'd it; and I said, then I will go down for my Shoes: I had locked the Cabin Door, (single lock'd it) when the Captain went to sleep, and I left the Key in the Door: when I set the Door open, I was frighted at what I saw.

Counsel. What did you see?

Walker. I saw the Captain half on the Bed, and half off, all bloody, and he appeared to me to be dead.

Counsel. What did you do upon this?

Walker. I went up upon Deck, and met *Williams*, and I said Mr. *Williams*, the Captain is dead; who has kill'd him?

Counsel. What Answer did he make?

Walker. Lord have Mercy upon me, says he, I cannot tell. I desired him to take *Johnson* and lash him to the Ring-bolts, and carry him ashore in the Morning, for, says I, I saw him coming up the Companion Ladder, all bloody.

Counsel. What Answer did *Williams* make?

Walker. None at all, but only went forwards to *Johnson*, and I follow'd him: Then *Johnson* took hold of me, and said, G—d d—n you, you Dog, I'll kill you too.

Counsel. Repeat that again.

Walker. *Johnson*, when he took hold of me, said, G—d d—n you, you Dog, I'll kill you too, and he struggled with me, and try'd to take out his Knife, but I gave him a Blow on the Arm, and he let me go; then I jump'd over-board, and as I was going off, *Johnson* cry'd, d—n the Dog, kill him, kill him, don't let him go; and one of them threw a Knife after me into the Water, and it struck upon my Buttock.

Counsel. Was *Williams* upon Deck at the same Time?

Walker. Yes, but I did not see him do any thing; the Knife that was thrown after me, cut my Trowsers, but not my Flesh.

Counsel. What follow'd upon your jumping into the Sea?

Walker.

Walker. They got into the Boat, and row'd after me: *Johnson* was one who row'd after me, but I did not mind who the others were: I swam, and they follow'd me; but I got to an *Italian Settee*, and I begg'd of them, for God's Sake, to make them keep off, for they had kill'd my Master, and wanted to kill me. They asked me who the Boat belong to, I told them; then they hal'd the Boat, and *Johnson* cry'd, *Hollo*; then the People in the *Settee* fir'd upon them, and they then gave over the Pursuit, and return'd to the Ship.

Counsel. Did you see the Ship make any Sail after this?

Walker. Yes; I saw the Ship go.

Counsel. Which Way did she go?

Walker. From the Land.

Counsel. So the *Italians* took you on board.

Walker. Yes, they throw out a Rope and pull'd me up, and examin'd me: I would have had them put off, but they were afraid of being kill'd themselves; so they guarded me into the Mole, put me on board a Ship; and presently there came Boats mann'd and arm'd from other Ships, which went after them and took them: I came home with them, but never had any Conversation with them.

Counsel. You say you acquainted *Williams* with your seeing *Johnson* coming up the Companion Ladder.

Walker. Yes.

Counsel. Did he make any Answer to you?

Walker. No, not at all: but went directly up to *Johnson*.

Counsel. Did he offer to seize *Johnson*?

Walker. No.

Counsel. Was there any body could have help'd him to have seiz'd *Johnson*?

Walker. Yes, *Senett*, and the rest of the Prisoners; but they none of them offer'd to seize him. *Johnson* seized me with one Hand, and with the other Hand, he felt in his Pocket for his Knife, and cry'd, *Aye, God d—n you, you Dog, I'll kill you too*; but I struck him a Blow on the Arm, which made him let go, and I jump'd over-board, and he cry'd, *Kill the Dog, don't let him jump over-board*; but I swam away from them about 300 Yards.

Counsel. What Place was the Ship bound for, when the Captain was kill'd?

Walker. For *Messina*.

Counsel. What Course did the Ship make after they were discover'd?

Walker. They steer'd right off the Land.

Counsel. Was that towards *Messina*?

Walker. No.

Counsel. What Ship took you in?

Walker. I swam first to an *Italian Settee*, and was afterwards taken on board the *Levant*, Capt. *Floyd*.

Counsel. What did you observe the other Prisoners do?

Walker. I was so much frighted that I did not mind what they were doing.

Q. Did you see *Wolf* there?

Walker. No; I cannot say whether he was in the Ship at the same Time or not.

Q. What was *Senett* doing?

Walker. I did not see him, after the Captain was kill'd: He was weighing Anchor before I found him kill'd.

Counsel. When they were weighing Anchor, was there a proper Wind to go on the Voyage?

Walker. No, there was not.

Counsel. After you came on shore, and made the Discovery, did you go on Board again?

Walker. Yes; when the Ship was brought to, I did; when they were made Prisoners.

Counsel. Did you see the Body of the Captain, after his Death?

Walker. Yes; there was a Wound 3 Inches and 3 Quarters long, athwart his Breast: There was two Wounds, but I put my Hand into the largest, and the Surgeon measur'd it: 'Twas a long Wound, and it went quite thro' his Back, and was an Inch and a half wide there: The great Wound went from his Breast, quite thro' his Body, and thro' his Back; but there was another smaller Wound here, in this Place, (pointing to his own Ribs.)

Counsel. You said you saw *Senett*, *Williams* and *Johnson*; was that after you heard the groaning of the Captain?

Walker. Yes.

Q. How long was it after the Fact was committed that the Ship was brought in?

Walker. 'Twas brought in about 3 Hours after, by several *English* Boats, which were in the Harbour, and then the Prisoners were taken out of her, and two of them were put on Board one Ship, and two on Board another: They were distributed on board other Ships. *Wolf* was brought home with me in the *Dolphin* Man of War.

Q. What shap'd Knife was it that *Johnson* had in his Hand?

Walker. A French Clasp Knife, about eleven Inches long, Handle and all, with a Sharp Point; the Blade toward the Bottom was about three Fourths of an Inch broad, and about a quarter of an Inch at the Point: The Handle was longer than the Blade.

Counsel

Counsel. Do you think the Wound could be made with that Knife?

Walker. Yes it might.

Counsel. You say you saw his Hands bloody.

Walker. Yes.

Counsel. Was the Knife bloody?

Walker. I did not observe that: When I saw him, he was shutting it, with both his Hands, and I saw his right Hand bloody. The Knife was found next Morning in the Boat they row'd after me, and in the Hollow of the Handle was all greasy and bloody, and there were Hairs sticking in it.

Counsel. What sized Man was the Captain?

Walker. A stout, lusty, fat Man.

Counsel. Do you believe the Knife you saw in the Boat, was the same you saw in Johnson's Hands?

Walker. Yes, I am sure 'twas the same.

Jury. We ask whether he knows how the Knife came into the Boat, because he has mention'd a Knife being thrown after him into the Boat?

Walker. It was not the Knife that I saw in his Hand, that was thrown after me, but another. Johnson's clasp Knife was found in the Boat, three or four Hours after 'twas brought in with the Ship. I did not see it in the Boat when it first came in.

Counsel. So you say this Knife was found in the same Boat that Johnson was rowing in, after you.

Walker. Yes Sir.

Counsel. What Shape was the Handle of the Knife?

Walker. At the bottom of the Handle it was woodish; at that Part next the Blade it was Bat.

Counsel. Do you think, that if a Wound was made with the Blade, any Part of the Handle, would go into the Wound?

Walker. Yes, Sir.

C. Recollect your selves; would any of you ask the Witness any Questions.

Johnson. I have no Questions to ask him; he knows nothing of me, nor I of him.

Williams. I would ask him whether as the Wind was S. W. we did not sail the direct way to *Arrows*.

Walker. No; 'twas a fine clear Moon-light Night, and all the while I was going in a Boat from the *Settee* to the Ship, I had sight of her, and she was steering quite off from the Land.

C. How long was it before you got from your own Ship to the *Settee*?

Walker. About half a Quarter of an Hour.

C. How long was it after you got into the *Settee*, that you got into an *English* Vessel?

Walker. About half an Hour.

Sweet. I observ'd the Witness said, I had a Handspike in the *Windlass*. The *Dutchman* came to me, as I was lying on the Forecastle, and he wak'd me; I got up and said to *Williams*, are you going to heave up? No, says *Williams* there's no Wind. Why, says I, the *Dutchman* has wak'd me to heave up; then says *Williams*, you may go to sleep again. Ask him about my Behaviour in the Ship.

Walker. He obey'd Command in the Ship, as other Mariners ought to do. He had been about six Weeks on board, when this happened; and was taken in at *Lagorn*.

Counsel. Call *William O Mara*; who was very Sick, but was sworn.

Counsel. Do you know the *Deer Brigantine*?

O Mara. Yes, I did Sir.

Counsel. What Time did you come on Board?

O Mara. Sometime in August 1736, I don't remember the particular Day.

Counsel. Who was on Board when you came first.

O Mara. There was *Williams*; he was the chief Man; he at the Bar there. There was *Andrew Downing*, — *Lawrence Sessett*; I don't know that *Johnson* was there: He belonged to the Ship at that Time, but was not concerned in any Business, in the wicked Enterprize they went upon; nor *Wolf Bryan* was. *Butler* was not there at that Time.

Counsel. Give an Account what pass'd the 7th of September, after that August you speak of, with Relation to the Captain's coming on Board, and ordering the Ship to be put under Sail; tell what pass'd that Night.

O Mara. I was asleep in the Mate's Cabin, and *Wolf* with me. About 11 or 12 I heard a great Groan in the Captain's Cabin; I said, O! dear *Wolf*, what is the Matter! G——d d——n thee, says he, canst not sleep, and in about 3 Minutes Time, *Walker* went down. I heard the Gushes of Blood run from the Orifices, as if a Bung-hole had been made in his Body.

Counsel. How near did you lie to the Captain?

O Mara. I lay in the Larboard-side of the Ship, and the Captain's Cabin was just at my Head, and nothing between us, but a Night Partition. He lay more in the Center of the Ship, than I did.

Counsel. When you heard the Groans and the gushing out of the Blood, what did you do?

O Mara. Nothing in the World: but then, in about 3 Minutes after, *Walker* came down and went in, in his Shirt; when he saw the Captain dead, he ran to *Williams* and said, O! Mr. *Wil-*

liams

Hams, the Captain's dead, then I heard Johnson say, kill the Dog, kill the Dog, meaning Walker, and they had a Jostle together about half a Minute; well, (says I) now the Boy is kill'd and there's no Remedy. In a short Time after this, I heard some body say, — see how naturally the Dog takes the Water.

Counsel. Do you know any Thing of *Senett*, or *Johnson*, or any of the Prisoners endeavouring to weigh Anchor at that Time?

O Mara. I did not hear any Thing of that to my Knowledge; as soon as the Noise began, they did not stay to get up the Anchor, for they cut the Cable.

Counsel. Which of them cut the Cable?

O Mara. *Williams* did; I was by at the same Time, and saw him cut it with a Hatchet.

Q. What was the Reason that *Williams* cut the Cable?

O Mara. Oh! — the Captain was killed, and he was going Captain.

Q. How do you know that?

O Mara. I have very good Reason to know it. — I myself drew the Articles by which he was constituted, nominated, and appointed so. There were Articles drawn twice, but *Downing* had nothing to do with them.

Counsel. Do you know of any Combination among the Prisoners?

O Mara. I do, — I know it all; I was a Party — concerned myself.

Counsel. Begin, and give an Account when you first came on board, and what passed between you? What was the Occasion of your first coming on board? Who tempted you on board?

O Mara. *John O Bryan*, one of the Prisoners; he brought me on board, and told me, that I must go no more to my own Ship, for somebody had told Sir *Mark Forrester*, who was the Captain, ('twas a Spanish Man of War) that I had given it out, that he was Knighted by a *Bricklayer's* Son, meaning the Pretender, and *O Bryan* told me, that he would hang me up when I went on Board; this drove me to Despair, and made me willing to go any where. He told me he had got a *Birch*, and was going Mate of a Dutch Ship the *Dove* Brigantine; he called it a Dutch Ship, and said, if I pleased I might take a *Birch* along with him; so I went on board the *Dove* with him, and I met Mr. *Williams* in the first Place; and *Downing* and *Lawrence Senett*.

Counsel. What Discourse had you together?

O Mara. They brought out a Prayer-Book, and swore me to Secrecy, and I swore. When

they had done taking the Oath, they said this Ship was richly laden, and belonged to *Jews*, and that it was no Sin to carry it away from them. They said the Ship ('twas given out) belonged to a Dutchman, but that was only a Sham and a Pretence. To get me into their Contrivances, they proposed to go away with the Ship, and sell her and her Cargo on the Coast of *Portobelo* or *Gallicia*, and every one was to have an equal Dividend.

Counsel. Who made the Proposition?

O Mara. All; they all joined, *Williams*, *Senett*, *O Bryan*, and *Downing*. I agreed with them in it, and we went ashore directly, and called *Butler*, and we drew up the Articles at a Publick House, the Sign of the Ship and *Mermad*, at *Leghorn*.

Counsel. Who drew up the Articles?

O Mara. I did, and we all signed them. *Williams* signed first.

Counsel. What was the Substance of the Articles?

O Mara. The Substance was, that *Williams* should be Captain; *O Bryan*, Mate; *Senett* was to be Boatswain, and *Downing* was to be Second Mate; there was something to be for every one; every one was to have a Post, and so they gave me the Name of *Doctor*.

Counsel. What followed upon this?

O Mara. When we had signed the Articles, *Williams* and *Senett* went on board again; *Downing*, *Butler*, *Bryan*, and I, stay'd ashore.

Counsel. What Office was *Butler* to have? you have not mentioned his Post.

O Mara. I had forgot him; he was to be *Supercargo*.

Counsel. Well, and what did you all do ashore.

O Mara. Why, that Night we drank upon the Strength of what *Williams* gave us.

Counsel. What did he leave you to spend?

O Mara. A Chequin.

Counsel. When did you see them again?

O Mara. About two Days after, *Downing*, *Butler*, and I, sent aboard for *Williams* and *Senett* to come ashore to us, and we pretended that we had other Men who would join with us in the Business. This we did to get the Paper out of *Williams's* Hands, for took it when we had signed it.

Counsel. Repeat again the Names of the Persons that signed, and the Order in which they signed.

O Mara. *Williams* signed first, as Captain; *O Bryan*, as Mate, second; *Pierce Butler*, third, as Supercargo; *Downing*, fourth, as Second Mate; *Senett*, fifth, as Boatswain; and I said, Gentlemen, I am satisfied with any Thing; so I sign'd — *Doctor.*

Counsel. What did you do with them when they came on Shore?

O Mara. We got the Paper from them and burnt it, and departed, resolving never to see one another more.

Counsel. What made you desire to get the Paper again?

O Mara. Disunion among us.

Counsel. How came you to go to the Ship again?

O Mara. *O Bryan* and I took out a Bill of Health to go to *Genoa* on the 20th of *August*, but we had not the good Fortune to meet with a Felucca, so we were obliged to stay in the Town.

Counsel. Who burnt the Articles?

O Mara. *Williams*, he would not give them out of his Hand; he pulled out a Paper, and said, here they are, and he held it over the Candle and burnt it; I believe it was the Articles.

C. Consider, you swore the Articles were burnt, now you say, you don't know whether they were or not; you must say nothing upon Surmise.

O Mara. He produced a Paper, and said it was the Articles; 'twas very much like them, and he held it over the Candle 'till 'twas burnt; we did not care to shew Names. *Downing* was the Person that call'd out most for the Articles. *Williams* at first told us the Articles were on Board, but afterwards, when there was some Words about them, he drew out a Paper, and held it over the Candle, and burnt it, and said — there 'tis in Ashes.

Counsel. What happen'd after the Paper was burnt?

O Mara. Sometime afterwards, they began with us again: *Williams* spoke to *Senett*, and then they took *Johnson* in and me. We drew second Articles among us four, and I wrote the Articles by *Williams*'s Direction. They were of the same Purport with the other, only the Names of the *Mates*, and *Supercargo*, and *Boatswain* were chang'd.

Counsel. Who sign'd these second Articles?

O Mara. *Williams* sign'd first as Captain, *Senett* sign'd second for Mate, I sign'd next for Supercargo, and *Johnson* for Boatswain. And to

these second Articles there was none conscious but us four, to my Knowledge.

Counsel. What Time were these Articles sign'd?

O Mara. 'Twas before the Captain was kill'd, about a Week before, or thereabouts. I went on Board and remain'd on board from that Time 'till the Captain was kill'd.

Counsel. Had you any Discourse together what was to be done with the Ship?

O Mara. There was nothing fix'd where we were to go, some said we'll go to *Sallee*, some said to *Angier*, some said go here, some there.

Counsel. Were these Articles too, put into *Williams*'s Hands?

O Mara. Yes, and I saw them afterwards in his Hands, he deliver'd them into my Hands the Night before the Captain was kill'd, and that very same Night too. *O Bryan* came on board the latter End of the Night, before the Captain was kill'd, and *Butler* with him. I was the first that saw them after they came on board, they had swam to us from the *Lazaretto*, and I told *Williams* that *O Bryan* and *Butler* were come; and he propos'd the Affair to them. We had then on board *Williams*, *Johnson*, *Senett*, *Butler*, *O Bryan*, and my self; all the Ship's Hands were upon Deck, these were all on board the Night the Captain was kill'd.

Counsel. Was the Design of killing the Captain, and running away with the Ship, mention'd to all these?

O Bryan. Yes, and they declin'd doing it that Night, because 'twas past 3 o'Clock, and they were afraid they should be taken before they could get off.

Comm. Did any one of 'em oppose the doing it?

O Mara. No, not one; they only declin'd doing it that Night, because 'twas so near Morning they were afraid of being taken.

Counsel. Did *Johnson* sign the second Articles?

O Mara. Yes, he sign'd the second Articles, but not the first; *Johnson* was to be Boatswain.

Counsel. What were the Conditions of these Articles, with Regard to the Captain?

O Mara. Some were for putting him to Death; but in the written Articles, that was left to *Williams*, and he said he would put him on Shore at *Gallieto*. By the Articles *Williams* was to do as he pleased with him. We had great Disputes about the Captain; some were for putting him on Shore at *Gallieto*, (a desolate Island on the Coast of *Africa*) with some Provisions, and among these, *Williams* was one.

Jury.

Jury. Was he to be put ashore dead or alive?

O Mara. Alive,—alive,—we were to give him Provisions, I told you.

Q. How far distant is *Gallisto* from any other Island?

O Mara. Thirty or Forty Leagues.

Q. How long after the Captain's coming on Board was it that he was kill'd?

O Mara. He was kill'd the first Night he lay on board; he had been absent from the Ship a Day or two.

Council. Had you any Consultations while the Captain was on board?

O Mara. No, not a Word, nor a Word of the Articles, while he was aboard.

Council. After *Butler* and *O'Bryan* came on board, had you any Consultation?

O Mara. After they came on board, *Williams* said he had a Mind to slip, and one of them said it would be hard to do that, for Fear the Crew should be in Liquor, and the Wind should blow hard.

Council. Was *Wolf* present at any of the second Meetings?

O Mara. Yes, very often.

Council. Had they any Discourse what to do with the Powder and Guns?

O Mara. Yes, the Morning after *Bryan* and *Butler* came aboard, they all went forward to the Captain's Cabbin and the Steerage, and I went down after them, and they eat some dried Fish, and drank some of that Country Wine, and after they had done eating, they took down 6 Fuzees which hung in the Cabbin, and *Williams* charg'd them with a single Ball in each of them. *Wolf* asked him, how many Balls he had put in? he said but one; *Wolf* said, G—d's Bl—d, a single Ball may fly here and there and do no Execution; so he put another Ball into every one of them, and said they should do sure Work; then I apprehended Murder would be done. I us'd to hear them very often threat'ning *Dick Walker*,—that they'd be even with him: They have said an hundred Times, D—n their Bloods, the first Opportunity they had, they would get him out of the Way,—a vile Dog as he was, for opposing them.

Council. Who said so?

O Mara. *Williams* has said so some Times, but rather seldomer than the others; *Senett* and *Johnson* has often said, —d—n the Dog he should have a shot, meaning a Shoot.

Council. Was it propos'd that *Bryan* and *Butler* should sign the Articles?

O Mara. Yes; they desir'd to see them, and *Williams* gave them into my Hands to read to them.

I did so; und *Bryan* and *Butler* began to Swear and Damn, because in these second Articles, others were substituted in their Places: But *Williams* said he would make them all easy, when he was got out to Sea. *Senett* told him, that *Johnson* and himself had most trouble in lading the Ship, and says he shall others run away with the Substance. Then says *Williams*, do you take one of the Men, and I will take t'other, and we'll put them out of your Way, and they drew their long Knives, but *Johnson* said, if any Dog offered to come near him, he would rip him up; *Bryan* seeing this, said he would swim ashore again.

Q. How soon after this did the Captain come aboard.

O Mara. I was asleep when he came, but I believe it was about nine or ten at Night. I went to sleep about Duskish, and slept till the Groans awaked me, that was between Eleven and Twelve.

Q. Do you know who went in the Boat to pursue the Boy.

O Mara. I was below when the Boat went out, but I saw it return, *Johnson* and *Butler* came back in it. I heard *Senett* and *Johnson* say, G—d's Bl—d, the Dog can't swim far, he has got the Knife in his Body, however, take the Boat and row after him. When *Johnson* and *Butler* returned to the Ship, *Johnson* said,—Oh! you treacherous Dogs, G—d d—n you, could not you keep that Boy aboard, when I had done the Work of the Great Man, and killed him myself; and he drew out his Knife, and swore he would kill himself, because his Hands had miss'd the Boy; but I got hold of him, and said, For God's Sake don't send yourself to Heaven (to Hell, I meant) as yet. The Knife was bloody at that Time, I knew it, and I know he stole it from a Frenchman; the Blade was six or seven Inches long.

Q. Did he say he had killed the Captain in the Hearing of the Prisoners?

O Mara. Yes,—of every one of them, and they did not blame him at all, only *Bryan* and *Butler* blamed him for killing him before they were got out to Sea. *Williams* said, that was the Misfortune.

Q. Who cut the Cable, and what Part of it was cut?

O Mara. *Williams* cut it at the Windlace, there was about three Turns upon the Windlace.

Williams. *Dick Walker* came and begged of me to take that Witness on board as a Passenger.

Walker.

Walker. I deny it; *Williams* asked me to let him come on board, and I said I would ask the Captain's Leave, and I did so, and the Captain said he might come, but he should pay for his Passage.

John Legard. I was Chief Mate of the *Levant*, I saw *Walker* begging in the Water to be taken on board; and heard him pray for his Assistance, his Master being killed; he was taken in, and presently five Boats were mann'd out and arm'd; I was one that boarded the Brig. *Bryan* jumped over-board, but another Boat took him up again; *Williams*, *Wolf*, and an *Indian* (born at the Cape of good-Hope) were upon Deck; *Senett*, *Johnson*, *Butler*, and the Witness *O Mara* were hid in the Fore-scuttle, under some raw Buffalo's Hides; d—n you, says I, to *Williams*, what have you done with the Captain, after some Time being silent, he said, he's a dead Man, and not a Man for this World. I went down into the Cabbin, and saw him lie on the Floor with his Hand on the Wound, and the Corpse was covered with a Sheet, his Scrutore broke open, and his Papers lying about. *Williams* said to *Johnson*, *Johnson*, don't deny it; you are the Man that killed the Captain, and I cut the Cable; and the *Dutchman* said, *Aye, that's the Man that slau'd the Captain*, and he said nothing at all in his own Excuse. *Williams* told us the Captain had always been very good, and he believed the Devil was in him, and he expected nothing but to die; so I sent him a Bible, and bid him make good Use of it. When we pulled the rest of them out from under the Hides, *O Mara* was very obstreperous, and told us he was the King of Spain's Subject; but we broke a Cutlass about his Shoulders, and made him quiet.

Mr. Rogers. I was one who boarded this Brig. we found *Wolf*, *Williams*, and the *Dutch-Indian*, on Deck; I thought there must be more Men concealed, so I asked *Williams* for a Tinder-Box and Candle; he told me he knew of none; we told him he deserved to have his Nose cut off, —he a Mate, and not know where to find a Tinder-Box; at last, we found one, and got a Light to search for the Men who were hid; we saw their Legs under the Hides, but they would not come out; but upon our threatening to fire among them, *O Mara*, *Johnson*, *Butler*, and *Senett*, came out, and we secured them. *Williams* said, the Captain was very good to him, that he never

eat nor drank without him, and he believed the Devil possessed him. He told *Johnson* it signified nothing to deny it. After this *Senett* confessed the whole Affair, and at his own Request I took an Account thereof in Writing. He told me that *Williams* swore him first to Secrecy, and when he had sworn, he (*Williams*) told him the Vessel was richly laden, and if he could procure others to acquiesce with him, it might be run away with. Upon this he brought *Downing* to *Williams*, and after he was sworn to Secrecy, *Williams* told him (*Downing*) that the Captain was to be killed, that no Stories might be told. *Williams* said that for his Part, he was rather for setting the Captain ashore on a Desolate Island; but *Johnson* insisted on his being killed, and said, it would not be the first (by many) that he had put out of the Way. That *Downing* was the Man who first proposed killing the Captain.

The Prisoners had nothing material to say in their Defence, nor any Witnesses to call, either to the Fact, or their Characters.

Edward Johnson, Guilty. *Nicholas Williams*, Guilty.

Senett, *Wolf*, *Butler*, and *Bryan*, Acquitted.

Edward Johnson, *Nicholas Williams*, *Lawrence Senett*, were indicted a second Time, for feloniously and piratically endeavouring to make, and causing to be made, a Revolt in the said Ship, and running away with the same, Sept. 7. as aforesaid.

The Evidence upon this Indictment was the same as upon the former Trial, and the Jury found them all Guilty.

The Trials being over, the Court proceeded to give Judgment.

Received Sentence of Death, 4.

Richard Coyle, *Edward Johnson*, *Nicholas Williams*, and *Lawrence Senett*.

GOD Save the KING.

The next ensuing Court of ADMIRALTY to be held at the Common-Hall in *Doffor's Commons*, on Tuesday the 26th of April, at Three o'Clock in the Afternoon.